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Testimony of the
CONSUMER SPECIALTY PRODUCTS ASSOCIATION
*in **OPPOSITION** to*
HOUSE BILL 6526
AN ACT CONCERNING TOXICS DISCLOSURE AND INNOVATION FOR HEALTHY CHILDREN
presented to the
JOINT CHILDREN'S COMMITTEE
STATE OF CONNECTICUT
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Chairwoman Bartolomeo, Chairwoman Urban and distinguished members of the Joint Children's Committee, my name is Sean Moore and I am Director of State Affairs for the Eastern United States at the Consumer Specialty Products Association (CSPA). CSPA appreciates this opportunity to appear before you today, **in opposition to House Bill 6526** – a bill that would establish an expensive regulatory system, duplicative of other state and federal efforts.

CSPA is the premier trade association representing the interests of some 230 companies engaged in the manufacture, formulation, distribution and sale of \$80 billion annually in the U.S. of hundreds of familiar consumer products that help household and institutional customers create cleaner and healthier environments. Our products include disinfectants that kill germs in homes, hospitals and restaurants; candles, and fragrances and air fresheners that eliminate odors; pest management products for home, garden and pets; cleaning products and polishes for use throughout the home and institutions; products used to protect and improve the performance and appearance of automobiles; aerosol products and a host of other products used every day. Through its product stewardship program, Product Care®, and scientific and business-to-business endeavors, CSPA provides its members a platform to effectively address issues regarding the health, safety, sustainability and environmental impacts of their products. For more information, please visit www.cspa.org.

CSPA members are committed to manufacturing and marketing safe, innovative and sustainable products that provide essential benefits to consumers while protecting human health and the environment. CSPA member products improve the quality of human life and are necessary to protect the public health against dangerous diseases, infestation and unsanitary conditions. CSPA members are committed to providing products that are thoroughly evaluated for human and environmental safety and go through rigorous safety-based assessments before they are brought to market. CSPA members are also committed to clear and meaningful labeling on consumer products, *i.e.*, easily understood information to ensure safe and effective use and disposal. CSPA has a product stewardship program called Product Care® that assists members in meeting these commitments. In addition, CSPA members routinely apply green chemistry and green engineering principles in their operations and have been honored with awards for their efforts.

The consumer products industry develops products that meet or exceed safety requirements of all state and federal agencies in the United States and Canada charged with regulating those products, including the Connecticut Department of Energy and Environmental Protection (DEEP), the Ozone Transport Commission, the U.S. Consumer Product Safety Commission (CPSC), the U.S. Environmental Protection Agency (EPA), the Occupational Safety and Health Administration (OSHA), the U.S. Food and Drug Administration (FDA), Health Canada and Environment Canada.

HB 6526 is vague and leaves important terms undefined. For example, Section 1 (8) [lines 56-57] directs the Commissioner of the Department of Public Health (DPH) to rely on “credible scientific evidence” without providing a definition as to what constitutes credible scientific evidence. The definition of “children’s product,” split between two subsections (1-3 and 1-4), is confusing and overly broad. In addition, HB 6526 does not make clear what constitutes a safer alternative to a specified chemical use. The concept of a safer alternative is also referred to by different terms (e.g. “inherently less hazardous substitute” [line 127], “replacement chemical” [line 144], “safer alternatives” [line 155], “safer chemicals” [line 158]).

HB 6526 does not provide for adequate stakeholder input. Decisions are largely left to the Commissioners of DPH and DEEP. The legislation does not provide an opportunity for public input in the creation or prioritization of the list of priority chemicals of concern, nor during the subsequent review process prescribed in Section 2(b). CSPA is also concerned that there does not appear to be a method for removing chemicals from the list, other than waiting up to three years for the next review.

HB 6526 lacks harmonization with similar laws in other states. Maine and Washington have adopted laws similar to the proposed legislation; both those states utilize key components that are absent from the current proposal. Notably, HB 6526 does not rely on a *de minimis* level, which is important for providing the regulated community with certainty in meeting compliance obligations since analytical detection capabilities may vary. HB 6526 also does not establish a Practical Quantification Level (PQL) as a limit for intentionally added chemicals. While the PQL approach is still not based in a risk determination, Connecticut should, at a minimum, harmonize with existing state laws to avoid creating a differing patchwork across states.

HB 6526 does not adequately protect confidential business information (CBI). Product formula information is a trade secret and critical part of a company’s intellectual property. Product formulations can reveal the “recipe” of flagship brands that provide decades of market success for manufacturers. While CSPA understands the interest in formula information, this public interest requires a careful evaluation and balance with trade secret protection in a competitive market. Disclosure of seemingly isolated pieces of information about a product formula, including ingredient chemical names, concentrations, Chemical Abstract Service names and numbers, physicochemical properties and potential alternatives to one ingredient, provide key “clues” to a trained eye to unravel sophisticated formulary science in which a manufacturer made a significant R&D investment to create. Failure to protect a company’s intellectual property could lead to cheaper imitations from competitors, both foreign and domestic, undermining a company’s ability to capitalize off its investment. **By not protecting CBI, HB 6526 would undermine the very investment in innovation it is intended to spur.**

HB 6526 creates regulatory uncertainty. As noted above, the lack of harmonization between HB 6526 and existing state laws is troubling. In addition, this legislation does not cap the number of chemicals that may ultimately be listed by the department. Additionally, there is no requirement for any formalized rulemaking with regulatory oversight and public input when the list of chemicals is revised. Nor is it clear how decisions will be made – for example, to determine the “adequacy” of a Product Innovation Plan, and on what basis the plans will be accepted or rejected.

Conclusion

CSPA members are committed to manufacturing and marketing safe products that are protective of human health and the environment while providing essential benefits to consumers. HB 6526 would establish an expansive and unpredictable regulatory system, duplicative of other state and federal efforts at no benefit to Connecticut consumers. For the reasons detailed above, we urge the members of the Joint Children’s Committee to *oppose HB 6526*. Thank you for considering CSPA’s position on this important issue. I welcome any questions or discussion of CSPA’s testimony and position.